

T H E  
C A S E  
O F  
*Robert Cotes*, Esq; Mayor,  
A N D  
*John Staunton*, Esq;  
Recorder of *Gallway*.

On Behalf of Themselves, And the Majority of  
the Corporation of *Gallway*.

In A N S W E R to a P E T I T I O N  
P R E F E R R ' D  
*To the Honourable House of Commons,*  
B Y

*Thomas Simcocks and Edward Barrett, Aldermen.*

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D U B L I N :  
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T H E  
C A S E

Of Robert Coates, Esq; Mayor, And John Staunton, Esq;  
Recorder of Gallway, On behalf of themselves, &c.

Petition.] **T**HAT Gallway is a very Considerable Garrison, and Ancient Town, heretofore Formed into a Corporation, for Encouraging an English Colony in the West of Ireland; for which purpose divers Immunities have been Granted to that Corporation, and several Laws made for the Encouragement of Protestants, and securing Them against Papists in that Town. And more especially by a Clause in the first Act made, to prevent the further Growth of Popery. It's Provided, That after the 24th Day of March, 1763. No Papist should come to Dwell in Gallway, or the Suburbs thereof, and that all Persons of the Popish Religion, then Inhabiting there, should be Registred before the 24th of March then next Ensuing, and give Security before the Chief Magistrate, Recorder, and Sheriffs, for their faithful behaving themselves, towards her Majesty, her Heirs, and Successors: Or, in default, to depart the said Town and Suburbs, as by the Act may appear.

Answer.] It is admitted, That Gallway is a very considerable Garrison, and Ancient Town, and hath been a Corporation by Prescription; And, that several Immunities and Privileges were Granted to it by several Kings and Queens of England; That several Laws were made for the Encouragement of Protestants, to come and Dwell in Corporate-Towns in this Kingdom; And that the Clause in the Act in the Petition mentioned, was made in relation to Limerick and Gallway, with an Exception for Fishermen and Labourers, that pay under 40s. per Ann. Rent, to Inhabit in the Suburbs: Which Clause was shamefully Eluded by James Ribett, Vigie Alderman, then Chief Magistrate of Gallway, the Petitioner Thomas Simcecks, then Deputy Recorder, and Robert Shaw, Senior, then Town-Clerk; They having Registred several Persons of the Popish Religion, then not Inhabiting in Gallway; and several Infants, and other Unqualify'd Persons, to the Number of 175, as appears by a LIST, Signed by the Petitioner Simcecks, and other Members of the said Corporation; to whom (by Order of the Common-Council of the said Town) the said Matter was Referr'd.

*Petition.] That the said Corporation Consists of a Mayor, Sheriffs and Commonalty, and for the Governance thereof have a Common Council, Impowered to make such By-Laws and Rules as by their Charter they are Authorized to; and have for the Assistance of the Corporation, a Recorder and Town-Clerk, with divers other Officers necessary as usual in such Corporation.*

*Answer.] The Corporation consists of a Mayor, Sheriffs, Free-Burgeses, and Commonalty; and the said Corporation, with the Consent of the Mayor and Recorder, have power to make By-Laws and Rules for the better Ordering and Governing the said Town. The Recorder is Joint-Judge with the Mayor in all Judicial Proceedings; and a Justice of the Peace for the said Town and County of Gallway.*

*Petition.] That the Mayor, Sheriffs, Recorder and Town-Clerk, are Annual Officers by the Charter to be chosen every First Day of August, and to enter on their Respective Offices the Michaelmas next ensuing, and to continue for one Year; but by the New Rules for Regulating Corporations, must be previously approved by the Government and Council, and other Officers are to be Elected and Appointed in such Manner as the Charter prescribes.*

*Answer.] That the Mayor and Sheriffs are Annual Officers, by the Charter of necessity to be Chosen every First Day of August, is admitted. That the Common-Council are under a necessity Annually to Chose a Recorder, does not appear by any Charter, or the New Rules: But they may, or may not, as they think fit, Annually Chose a Recorder. By the Charter of King Charles the IId. after making the New Rules, It is Declared, That the Offices of Mayor, Recorder, and Sheriffs should for Ever after be Elective; And he did thereby Grant, That the Mayor, Sheriffs, and Common-Council, for Ever, at Lamas-Day, shall, and may Assemble Themselves; and being so Assembled, may Chose a fit Person to be Mayor; who being presented to the Government and Privy-Council, Approb'd off, and Sworn, may Hold, Exercise and Enjoy the same for One whole Year, from the Feast of St. Michael, then next following, and until another shall be duly Elected, Presented, Approved off, and Sworn into the said Office: A N D MAY also Then and There Elect some Discreet Person, Learned in the Law, to be Recorder; who being Presented, Approved and Sworn, may Hold, Exercise and Enjoy the same for One whole Year, from the Feast of St. Michael, then next following, and UNTIL another shall be duly Elected, Presented, Approved off, and Sworn into the said Office. It is admitted that the Mayor, Recorder, Sheriffs and Town-Clerk, before They Enter on their Respective Offices, must be previously Approved off by the Government and Council.*

*Peti-*



*Petition.] That the said Corporation for the better Support thereof, hath a considerable Revenue, which ought to be disposed off, for the necessary Use and Service of the Corporation, with the Consent of the Body-Corporate, at such Times, and in such Manner as is directed by their Charter.*

*Answer.] The Revenue of the said Corporation is between 4 and 500 l. per Ann. of which there is not 60 l. certain, the rest is Casual : All which Revenue is constantly Disposed off for the NECESSARY USE and SERVICE of the Corporation (by the Common-Council of the Town)-as hath been ACCUSTOMED ever-since the ~~New~~ Rules; And no otherwise.*

*Petition.] That John Staunton, Esq; having procured himself to be Elected Recorder of that Town, Confederated with divers of his Relations and Friends, and used divers Sinister Means to Engross the whole Power of that Corporation, not only as your Petitioners believes, for their own private Advantage, but to oppress the Protestants, and Skreen the Papists from the Laws made against them, as may appear by the said Staunton and his Confederates Conduct hereafter Set forth.*

*Answer.] The said John Staunton, was unanimously Elected Recorder, and might have been Elected some Years sooner, but for the Regard he had for his Predecessor, without whose consent he wou'd not accept of the said Office; and after Mr. Staunton's Election, he gave his said Predecessor Sixty Guineas, It is utterly Deny'd, that Mr. Staunton used any Sinister Means to, or that he did, Engross the whole Power of that Corporation, or that he Oppressed the Protestants or Skreen the Papists.*

*Petition.] That for these purposes several of the Legal Common Council Men, were at the Instance of the said Staunton refused to be admitted into the Common Council, and from Time to Time such Persons were brought therein, as were in the said Staunton's Interest, consisting chiefly of his Relations, many Foreigners to the Town, and Persons who very lately had been known Papists.*

*Answer.] It is Deny'd that any Common-Council-Man was at any time at Mr. Staunton's Instance refused to be Admitted into the Common-Council, or that any Person was brought into the Council in Ten Years, ending at Michaelmas last, but such as actually SERVED as Sheriffs in the said Town (an Office (There) of Expence, No Profit, Great Trouble and Hazard.) In that Time tho' there were 18 Sheriffs, but Four of Them any way Related to Mr. Staunton; and of the said Four, only Two had ever been*

been **Papists**; Three of the said Four had very good Estates and Freeholds in the Town; and all of them good Fortunes and sufficient Interest with the **Electors**, to be brought into the said Council, without any Indeavours of Mr. Staunton.

*Petition.] That by the power of the said Confederates, such Persons were frequently chosen for Sheriffs, as had all their Lives been bred Papists, and had but lately professed the Protestant Religion, particularly John Bird, James Lynch, Bryan Flaherty, Martin Blake, George Staunton, with several others, when at the same Time Ancient Protestant Inhabitants of known Fidelity to the Crown were passed by, and that the said John Bird was chosen Sheriff, tho' he had lately, not only been a Papist, but taken on board a French Privateer, and even in the Time of his Sheriffsalty Taught Musick in the Nunnery of Gallway, and Notwithstanding that some of the above-named persons, and several others were disapproved off by the Government and Council; yet the said Confederates taking the Advantage of the Imperfect wording of a By-Law, and directly contrary to the Intention of it, procured such Persons to be brought into the Common Council of the said Town, and that the said Staunton might have been sure of his Interest with the Sheriffs, some Candidates for the Sheriffsalty, of whom he doubted, were privately Sworn to stand by him, and his Interest, before they would agree to Elect them.*

*Answer.] That since Mr. Staunton's being Recorder, the several persons that served as Sheriffs, and those that were Elected on the several Disapprobations of the Government and Council, were about 40 on Number, and of the said 40, Seven, and no more, were ever **Papists**; and of the said Seven, only Three Related to Mr. Staunton; and of the said Three, 2 were Approved off by the Government and Council, and Served as Sheriffs without any Objection. That as to John Bird, Mr. Staunton was a perfect Stranger to him; but he being proposed, and a good Character given of him by persons of Distinction, who had known him many Years, and believ'd him a **Refugee**, he was Elected Sheriff, without any Endeavours of Mr. Staunton, or any Application to the Members on his Behalf; and he being presented to the Government and Council, was Approved off. And if the said Bird was a *papist*, taken on Board a Privateer, or Taught in any Nunnery, Mr. Staunton was, and is a perfect Stranger thereto. James Lynch and George Staunton were Elected, Presented, Approv'd off, and Served as Sheriffs, without any Objection. That Bryan Flaherty and Martin Blake, being Gentlemen of very good Estates and Fortunes, and having an Interest with the Corporation, were Elected without any Recommendation or Interest made for Them by Mr. Staunton. And the several other persons Elected and Disapprov'd off by the Government and Council, are as follows,*

*viz.*



Viz. *Samuel Blood*, then an Inhabitant, *Alexander Lynch*, always a Protestant, served his Apprentiship in the Town, *John Pool*, Eldest Son of an Alderman, *Robert Broughton*, an Alderman's Son, *John and Charles Lopdell*, *John Morgan Senior*, and *John Morgan Junior* Descendants of the Eldest Protestant Family in that Country, and whose Parents were Mayors, and Members of the said Corporation; *Dominick Burke* always a Protestant; *Michael Harris*, *Maurice Hughs* and *John Gringleton*, Tradesmen; the two former, since their Election, were made Officers in the Militia; *Henry Bingham*, Esq; *William Fisher*, an old Alderman, *John Bingham*, Esq; *Henry Morgan* an Inhabitant, and upwards of Eleven Years of the Common Council, *Nehemiah Donnellan*, always a Protestant, *Anthony Barry* an English Protestant, and an Inhabitant, *Patrick French*, Esq; *John Smith*, always a Protestant, *John Prendergast*, always a Protestant, Married an Alderman's Daughter; *William Vessey*, Esq; *Robert Blakeney*, always a Protestant, and *David Tennant*, an Inhabitant upwards of 7 Years in the Common Council, and who served his late Majesty King *William* during the whole War in Ireland. It is allow'd there is a By-Law in the said Corporation, That None shall be Admitted into the Common Council by a less Number of Votes than Thirty One of Forty One Members, then present; But all such persons as should be Elected Sheriffs, are therein expressly Excepted: The Intent of which By-Law was, to prevent the Mayor, with a few Members, at any Time he pleased, to make such a Common Council as he should think fit, but such as should be thought fit persons to be Elected Sheriffs, were always intended to be brought into the Common Council; and therefore the said By-Law was not to extend to them; And no Advantage was taken of the imperfect Wordng the said By-Law; for the samewas fully Debated in a very Full Council, and the Letter and Intention thereof well WEIGHED and CONSIDERED, on the bringing IN of the said Persons so Elected, by the very Members that made the said By-Law. It's Absolutely Deny'd, That *Mr. Staunton* ever consented to, or knew of, or directed the Swearing of any Person whatsoever to Stand by him and his Interest before any Election of any kind in the said Town.

Petition.] That Two Nunneries have been for several Years past, in the Town of Gallway, and not only connived at by the said *John Staunton* and the said Confederates, since they had the power of the said Corporation, but industriously Skreened, protected, and even encouraged by them, by which means their Habitations are enlarged, and their Numbers Encreased. And that *Robert Blakeney* late Mayor, and the said *Staunton*, the better to conceal the said Nunnerys, Issued their Warrant to the Collector of the Town Taxes, to Levy the Taxes from the Nunnerys by the General Names of the Inhabitants of the Respective H uses: Whereas all other Inhabitants of the said Town are particularly taxed by their proper Names.

*Answer.*] It is absolutely Deny'd that Mr. *Staunton* or any other Persons to his Knowledge at any Time any manner of way **Shreen'd, Protected or Encouraged any Nunnerys in the said Town.** It is certain there are Two Houses in the said Town, which ever since the Revolution pretended to be Boarding-Schools, but believed by all Protestants to be Nunnerys, and ever since Mr. *Staunton's* being Recorder, Warrants were from Time to Time Issued for suppressing the said Nunnerys, pursuant to the Act of Parliament, and they often dispersed accordingly; yet after every dispersion, they came together again, until the Mayoralty of Alderman *Robert Blakeney* in the Petition named, who as soon as he had power to Quarter the Army on private Houses, Billeted near Two Companys on the said Nunnerys, which effectually Dispersed and Suppressed them. **And as to the Taring the said Nunnerys by the General Names of Inhabitants,** Mr. *Staunton* never heard any thing thereof, until he saw the Copy of a Petition perferred against him by the now Petitioners, and others, to the Privy-Council, which being read in the Petitioner's presence at Common Council in *Gallway*, it there appeared that the said Applotment was made by the Petitioner *Simcocks* and other Applotters, and that they contrived the said Manner of Taxing the Nunnerys: Which Applotments are never made or perused by the Magistrates, the Applotters having made a Book of Applotments, at the Foot thereof, the Mayor and Recorder Grant a Warrant for Levying the Sums therein mentioned, without Examining the particular.

*Petition.*] *That the said Confederates admitted great Numbers of Foreigners living in remote parts, Free of the said Town; tho' divers of the said Freemen so admitted, were lately Papists, and who now pretend themselves to be Protestants.*

*Answer.*] That several persons have from time to time been Admitted into the Freedom of the said Town, is allowed; but such Admission is not any way in Mr. *Staunton's* power: For, when any person is proposed to the Common Council for a Freedom, before he can have it, he must be Referred to, and Proposed at the next Tholsel, where all the Commonalty of the Town have Voices. If any of the persons heretofore Admitted Free, had been Disagreeable to the Majority of the PROTESTANT INHABITANTS of the said Town, doubtless They had been Rejected; nor can it be prov'd, Mr. *Staunton* ever Solicited the Freedom of any person in the said Town.

*Petition.*] *That by artful means, not only the Offices, but Revenues of the said Corporation came into their power, and were disposed off, at the pleasure of the said John Staunton, and his Confederates, contrary to the Original Institution of the Community,*  
and



and to very evil purposes, particularly as to Offices, the said John Staunton and Confederates, to Gratify one William Fisher, a Person in their Interest, did Grant to the said Fisher the Office of Water-Bailiff, at the Yearly Rent of 6l. 13s. 4d. Tho' your Petitioner Alderman Barrett, who is undeniable Security, well qualified for that Office, and very well-affected to the Protestant Interest, offered 20l. per. Annum for the same place. And tho' the Chamberlain or Treasurer's place had been Constantly given to a Senior Alderman; Yet since the said Confederates have had the power aforesaid, such Persons have been appointed, who won'd dispose of the Corporation Revenue as the said Staunton directed, and who have not accounted with the Corporation for the same, particularly the Reverend Mr. John Price, tho' no Alderman, and Mr. Charles Gerry, one of the Junior Aldermen, and by these Means, several sums of the Corporation Money were paid to such Persons, being in the said Staunton's Interest, as in the Year 1713. attended this Honourable House on Account of a contested Election for Members of Parliament for that Town; particularly to Bruno Browne, the said John Bird, and Richard Rivett, and 50l. was paid to the said Rivett on pretence of Transcribing a Book, the Transcribing of which was not worth 10l. and 90l. was ordered at once to defray the Charge of Disapprobations, &c.

Answer.

It is Denied, that either the Offices or Revenues of the said Corporation came into the power, or were Disposed off by the said John Staunton; or that One Shilling of the Revenue ever came into his Hands, EXCEPT his Sallary of Thirty pounds per Ann. Nor was the said Revenue Disposed off to any Evil Purpose; for since Mr. Staunton became Recorder, The Tholsel and Exchange of the said Town (which was begun and Raised about Ten Foot High, and no more, about One Hundred Years ago) by the Endeavours of Mr. Staunton's Father, was carried On, and Finished to the great Ornament of the Town; Mr. Staunton's Father, having without any Reward, taken the Trouble of seeing the same done; kept all the Accompts, Contributed 150 pounds thereto, and from time to time Disbursed his own money, (and part thereof still Due to his Executors.) It is admitted, That William Fisher, an Alderman of the Town, hath for Five Years past, BY ELECTION every Year, been Water-Bailiff of the said Corporation, at the yearly Rent of 6l. 13s. 4d. besides which, he is obliged to keep the Key of the said Town in Repair, without any Charge to the Corporation. That Robert Shaw, Senior, from the Rendition of Gallway, to the Year 1705. was Water-Bailiff of the said Town, at the aforesaid Rent, during which time, and often since, it was proposed in Common-Council, to Cant the said Office; but the Common-Council would not admit any Office to be Canted, that being an Office of TRUST. The Petitioner Barrett Held the said Office for Two Years at the like Rent, which he has not yet paid; Detaining the same, intirely, on pretence of Repairing of the Key, which he

was

was oblig'd to do over and above the said Rent. That the said Alderman *Fisher* is an Ancient Protestant of the Town, of known Fidelity to the present Government, and every way qualifiyd for the said Office. That the Chamberlain Office was always given to such as the Corporation thought qualified for that place, the Benefit or Sallary thereto appertaining, being but 6*l.* per Ann. and sometimes not given to an Alderman. Mr. *Price* was unanimously Elected on the Resignation of the former Chamberlain, he having supported an Alderman's Widow, and Seven small children; he gave extraordinary good Security, and at the end of Two Years gave up the Office, finding it very Troublesom, and hath not one Shilling of the Corporation Money in his hands. Alderman *Gerry* was in 1713. unanimously Elected into the said Office; gave Extraordinary good Security, duly paid the Sums order'd by the Corporation, his, and the former Chamberlain's Security, are Lodged in the Town-chest. It is admitted that Eight pounds was ordered by the Corporation for the Town Clerk; and 5*l.* a piece to the Sheriffs to bear their charges to *Dublin*, being Summon'd by the Parliament, in 1713. and 10*l.* was order'd for the said Town Clerk, for attending *this present* Parliament, with the Corporation Books. Such Expence was always discharged by the Corporation, as appears by the Corporation-Books. It is allowed that 50*l.* was ordered by the Corporation to be paid to the Town-Clerk *Richard Revett*, for Transcribing a very Large Book containing a Registry of all the Mayors Sheriffs and Officers of the Corporation, several By-Laws and other Memorandums relating thereto, for near 300 Years past, to which very few of the Corporation Objected; and the said Sum was to be paid out of Desperate Arrears due to the Corporation. The Sum of 43*l.* 13*s.* 4*d.* and no more hath been paid by Orders of the Corporation, which was disbursed on Six several Elections of Mayors. And it is admitted, that a Bond of 90*l.* was put into the Hands of *Thomas Staunton*, Agent for the Corporation, to Answer the expence of Elections, for which he was to be Accountable.

Petition.] That in the Year 1712 when certain By-Laws were proposed in Favour of the Protestants and Ancient Inhabitants of Gallway, to protect them against such Forigners as were brought in, to Favour the power of the said Staunton and his Confederates, he and they publickly opposed the same; and the said Staunton to avoid such By-Laws, and to shew his power in the said Council, Declared nothing ought to be done there without his being previously consulted: And then endeavoured to elude that Council, by saying it was no Council without him; and immediately after withdrew in hopes thereby to prevent passing the same. Notwithstanding which, the said By-Laws were made. Yet, that the said Protestant and Ancient Inhabitants might have no Benefit thereby, the said Staunton and his Confederates soon after, conven'd their Relations and Fo-

reign



*reign Voters, and took upon them to Expung the said By-Laws and have ever since acted in violation of them.*

*Answer.] The Corporation by the Charter hath power to make By-Laws, but by the exprefs words thereof, fuch By-Laws must be by Consent of the Mayor and Recorder. It is admitted, that in June 1712 Three several By-Laws were Framed and brought into Council, which the Recorder desired might be weigh'd and consider'd, one was, That no Person should be Elected Sheriff, but such as dwelt in Town for the space of Two Years before his Election; another By-Law, That all Members of the Corporation, whatever Country or Town they dwelt in, should Pay a proportion of all the Taxes and Charges of the Town of Gallway, or to be Disfranchis'd, or to that Effect. The 3d, By-Law was, That on the most solemn Days of the said Corporations Meetings, Nothing shou'd be moved, or Transacted but to Chose, and Swear Magistrates. That Mr. Staunton Apprehending that every By-Law ought to be well consider'd least it shou'd be Repugnant to the Laws of the Land, would not agree to the said Laws so drawn; and therefore refused to Consent suddenly, and withdrew. And afterwards, at Tw several common Councils of the said Town the said By-Laws were debated and considered, and they being apprehended to be Repugnant to the Laws of the Land, inconvenient to the Protestant Interest, and irregularly made, were at the said several Councils, and by a Publick Assembly, where all the Commonalty of the said Town had Voices, Repealed and Declared NULL and VOID.*

*Petition.] That the said Staunton and Confederates in the Year 1712. not only refused to Joyn a Worthy Member now of this Hon<sup>ble</sup>. House, to oblige the Popish Inhabitants of the said Town to take the Oaths of Allegiance and Abjuration; but when Summons were Issued by that Worthy Member to oblige them to it, the high Constables were Menaced for offering to serve such Summons, by the said Confederates, and were told by George Staunton a Papist, Uncle to the said John Staunton, that it was a Rascally Office; and the said John Staunton sent for the Constables to the Common Council-Room on that Occasion, and told them, They ought*

to have their Ears Cut off, for what they did. And soon after Mr. Thomas Staunton, Brother to the said John Staunton, one of the said Common Council, and Agent for the said Corporation, by Appointment of the said John Staunton and his Confederates, appeared Publicly as Agent for the Papists of the said Town, and openly declared that the Mayor and Recorder of Gallway, could not oblige the Papists to take the Oaths, because they were not Justices of Quorum; to which Opinion the said John Staunton Concurred, and the several Mayors, Elected by the aforesaid Confederates, for the greater Encouragement of Papists, have frequently Attended, the King's Sword, Officers, and all other Formalities, at Popish Funerals: And most of the Popish Inhabitants of the said Town, are said John Staunton's Relations.

*Answer.]* It is absolutely Deny'd Mr. Staunton at any time refused to Joyn to oblige the popish Inhabitants of the said Town to take the Oaths. But on the contrary offered, and was always READY and WILLING to Joyn in Summoning all the Papists of the said Town without Exception; and did actually Joyn with the Chief Magistrate in Issuing Warrants, and directed his Deputies from time to time So To Do; particularly at a TIME OF DANGER, when Men were Listing in this Kingdom for the Service of the Pretender; Mr. Staunton being in Dublin, his Deputy did Joyn with Colonel Samuel Eyre, at a General Quarter-Session of the Peace, where the Inhabitants having Appeared on the Grand-Pannell, Constables were Ordered, and did keep Them in the Tholsel, until they were personally Summon'd, and Obliged either to take the Oaths, or pay the Fine according to the Act. It is Denied that Mr. Staunton, or any Others, to his Knowledge, menaced the Constables for Serving any Summons. It is Confessed that Edward Eyre, Esq; and Alderman Robert Blakeney, then Deputy to Mr. Staunton, Issued a Warrant, Requiring George Staunton, (Uncle to the said John Staunton) and Others, to Appear before Them at the Tholsel of the said Town, where none of them Appearing, the Constables were Examined; and one of them having Swore what was not True, the said John Staunton Reprenianded him, but not for serving any Summons; and the said Warrant not being pursuant to the Statute,  
the



the Mayor and Recorder could not further proceed thereupon. But, the said *John Staunton* then Directed how the Warrants should issue, and Declared he would Joyn with the said Mayor, to put the Laws in Execution. The said *John Staunton* is a Stranger to, and knows not what the said *George Staunton* told the said Constable. It is Confessed, That *Thomas Staunton*, Brother to the said *John Staunton*, did on behalf of his Uncle, *George Staunton*, and at his Desire, (who was then about 75 Years Old, confin'd by an Indisposition, of which he soon after Dy'd). Appear before the said Mayor and Recorder, and Informed 'em of his said Uncle's Condition, and offered all he could in his Defence. It is absolutely Deny'd, that the said *John Staunton* Concurr'd in, or was of Opinion, the Mayor and Recorder could not oblige the *Papists* to take the Oaths, because they were not Justices of the *Quorum*, for he *always was and is* of the contrary Opinion, and acted accordingly: For the said Act does not require, that either of the Justices that Issues Summons for Taking the Oaths, should be of the *Quorum*. It is Allowed, that the Mayor in his Formality, if Desired, goes to the Funerals of all persons, without Distinction, that bore Office in the Corporation; or, To the Funerals of their Wives, or Widows; which has been the constant Custom of the said Corporation: And the Petitioner *Simmons* constantly did so when he was Mayor. That Mr. *Staunton* has some popish Relations, he cannot Deny: And so hath *Robert Shaw*, Senior, of *Newford* in the County of *Gallway*; (who Mr. *Staunton* believes is a Promoter of the aforesaid Petition;) the said *Shaw* having in a *Libel*, which he Wrote and Published, charged the said *John Staunton* as an *Abettor* and *Encourager* of *Papists*, *popish Priests*, *Fryars*, and *Nunneries* in the said Town of *Gallway*; When at the same time, the said *Shaw's* Wife is a *Papist*; her Grandfather *Bryan Roe* was Excepted out of the ARTICLES Made on the Surrender of *Gallway*, in the Year 1652. for Murthering the *Protestants*; her Brother *Thomas Vaughan* Hang'd in *London* for Piracy, he having taken the *Diamond Frigate*, belonging to his late Majesty King *William*; and several other Ships. Two of her Nieces were Nuns in the said *Nunneries* in *Gallway*, before they were Suppressed by *Robert Blakeney*, as before mentioned. And the said *Robert Shaw*, Sen. was by the Charter Granted to the said Corporation,

ration, by the late King *James*, (on Destroying the Former Charter) made Town-Clerk, during good Behaviour; and by his popish Interest, procured from the late King *James*, (after the *Abdication*, when the said King *James* was in *Ireland*) a Patent for the Clerkship of the Crown and Peace, to him the said *Robert Shaw*, Senior, for the County of *Gallway*, tho' the same was then in Sir *John Edgeworth*, by Patent, from King *Charles* II. And at that very *T I M E*, Mr. *Staunton's* Father, and all his Protestant Relations were Imprisoned, Plundered, and Dragoon'd by the *Irish*, without any PROTECTION from his popish Kindred. And, when *Gallway* was Besieged, he SHEWED his Excellency General *Ginkle* where to pass the River of *Gallway*, so as to SURROUND the said Town; and which occasion'd the SPEEDY SURRENDER thereof.

Petition.] That many Papists have been, and are daily permitted to Come and Dwell in the said Town, and a great many Unregistred Papists suffered to Live Undisturb'd, and cannot be turned out, while the Magistracy and Power thereof continues in the Hands of the Confederates, to the great Danger of the Town, Garrison, and Protestant Inhabitants therein.

Answer.] That there are several Unregistred papists come into the said Town, is believed: But, that the same is occasioned by any Neglect in the Magistrates, is Denied; for it is Apprehended, such Papists can't be turn'd out without Tryal. That last Year, ALL or most of the Unregistred Papists of the said Town, were Bound Over to Appear for Dwelling in the said Town; and several were on the *Capias* for Inhabiting therein, contrary to the Act; they not being Registred.

Petition.] That also the Recorder is an Annual Officer, and ought to be Chosen every First Day of August: Yet, in the Year 1715. *Robert Shaw*, Junior, Esq; A Worthby Member of this Honourable House, was Elected, Returned, and Approved by the Government and Council; Notwithstanding which, the said *Sraunton* still presumes to Act as Recorder, and would not permit *Robert Blakeney*, Esq; Mayor in 1715. aforesaid,



*aforesaid, to Swear the said Worthy Member into the Office of Recorder; and to Preserve the said Office in the said Staunton's Hands, the said Confederates have ever since avoided the Election of a Recorder.*

*Answer.] That a Recorder ought to be Chosen every First Day of August is, for the Reason beforementioned, Deny'd, (UNLESS the Majority of the Common-Council think fit.) That R. Shaw, Junior Esq; in the Petition named, was in the Year 1715. or at any other time Elected Recorder of the said Town, is absolutely Deny'd : But on the 1st. of August 1715. aforesaid, It was proposed, that the said Robert Shaw, Junior Esq; should be Elected Recorder of the said Town, for the Ensuing Year : And the Question being put, it was carried by Thirty-six, against six, that he should not. Notwithstanding which, twelve of the Corporation, without the Mayor or Seal, Certified to the Government and Privy-Council, the said Robert Shaw, Junior Esq; had a Majority of Votes on the Election for Recorder of the said Town for the Ensuing Year ; and prayed an Approbation, which was Granted, that the said Approbation being tendred to the said Robert Blakeney, he Assembled a Common-Council, where the Petitioners were present, with Thirty-six Members more; and it appearing the said Certificate Misrepresented the said Matter to the Government and Council, the Question was put, " Whether the said Robert Shaw, Junior Esq; should be Sworn, or Not? " It pass'd in the Negative, Nemine Contradicente : And, Thereupon the said Robert Blakeney did Refuse to Swear the said Robert Shaw, Junior Esq; Recorder. That the Government and Privy-Council, Order'd an Information to be brought against Mr. Staunton, for acting as Recorder ; and, an Information is actually brought by his Majesty's Attorney-General, against the Corporation for not Chosing a Recorder ; which is now Prosecuted, and which will Determine, Whether the said Corporation be Compelable Annually to Chose a Recorder, or Not.*

*Petition.] That by these and the like Means, the said Confederates being secured of the Aid of great Numbers of Papists in that Town, Exercise an Arbitrary Power there, not only in Election, Admittance of Common Council-Men, and Freemen, but laying such Imp'sitions, and Exacting such Tolls, Customs and Duties, from the Inhabi-*

*tants of the Town, and Persons that come therein, in such Partial Manner, as they please; and likewise take Duties of Goods, Imported into Gallway at their Will and Pleasure, to the great Discouragement both of the Inland and Maritime Trade of that Place, as an Instance whereof Mr. Cotes, the present Mayor, in the Month of August 1717. Assisted by his Water-Bailiffs and Officers, took Eighty Deal-Boards, against the Consent of the Merchant, as pretended Perquisites, due to the said Water-Bailiff, and also took the same Day, without Consent of the Merchant, the like Number of Boards as a pretended Perquisite, due to him the said Mayor, tho' the Charter Duties, due to the said Corporation, were before paid : Whereby the Merchant was forced to take out a Repleven for the said Boards, but could not get the same Executed, by the discouragement of the said Mayor, the proper Officers for Executing the same being under his power.*

*Answer.] It is Deny'd that any Arbitrary Power is Exercised by the Magistrates of the said Corporation in any Elections, Impositions, or Exactions, as by the Petition is Groundlessly and Injurioufly Alledged. It is Admitted, That Robert Cotes, Esq; present Mayor, and William Fisher, Alderman, present Water-Bailiff, did in August last, take Eighty Deal-Boards a-piece, as their respective Perquisites of Eight Thousand Deal-Boards, Imported into Gallway, being One Board out of every Hundred, to each of Them, a Perquisite taken time out of Mind, by the several Mayors and Water-Bailiffs of Gallway, and particularly the Petitioner Simcocks, for two Years he was Mayor, and the Petitioner Barrett, for two Years he was Water-Bailiff; and, by the said Robert Shaw, Senior, for Fourteen Years successively that he was Water-Bailiff. In the Year, 1695, a Petition was Preferr'd to the then House of Commons against the Petitioner Simcocks, the said Robert Shaw, and others, for taking the said Perquisites, which was Heard, but Rejected. It is Deny'd, that any Officer was Discouraged from Executing Replevens for the said Boards, or obstructed therein, other than by Lodging with him Claims of Property, Drawn in common Form of Law; upon which the said Parties might, if they thought fit, have the Contest Decided in a Legal Proceeding. And, as to the Tolls and Gateage of the said Town, a Schedule according to the Charter is yearly given to the Farmers thereof, which is to be their Guide : And as often as they Exceed, the Magistrates do not fail in their Duty.*

Petition.



*Petition.] That several Protestant Inhabitants of that Town have been Insulted and Menaced, for not being in the said Staunton's and his Confederates Interest, to their great Terror and Disquiet; particularly by the present Mayor, Mr. Cotes.*

*Answer.] It is absolutely Deny'd, That any Protestant Inhabitant of the said Town hath been at any time Insulted or Menaced for not being in Mr. Staunton's Interest: Nor did the present Mayor ever speak to or Threaten any person on any such account; but the Menaces were by these that now Endeavour to Asperse Mr. Staunton; for he undertakes to prove, That a person of Great power in that Country, threatned some of the Common-Council of the said Town, " That " if they did not Vote as he would have them, they were not to ex- " pect any Favour or Friendship from the Government, or those in " power; and every person not complying in relation to Elections in " the said Corporation, should be put out of the Common-Council " of the said Town.*

*Petition.] That last Lent-Assizes was Twelve Month, the Sheriffs of the said Town, (being as your Petitioners are assured) advised by the said Staunton and his Confederates, utterly refused to Act in their Office; whereby the Assizes fell, and Justice could not be Distributed. And that at the last Assizes of all, the present Mayor treated the King's Commission with much Insolence, he behaving himself, with great Rudeness to the Honourable Mr. Justice Caulfield, and with most unseemly Passion, and great Disrespect, leaving him alone in the Court, and even after the King's Commission had been publicly Read, withdrawing himself, together with the King's Sword, and other Ensignes of Honour, and utterly refused to Act in Conjunction with the said Justice Caulfield: And all this, as your Petitioners believe, because the said Mayor was Informed by the said Confederates, that the said Justice could not Act without him; whereby the Assizes for the said Town was discontinued, the necessary Presentments for the publick Good not made; So that Fryars and other Criminals, still remain Untryed, the Goal Undelivered, all Civil Business delayed; and the whole Course of Justice intirely Stopt within the said County of the Town of Gallway.*

*Answer.] That last Lent-Assizes was Twelve Month, for the Town of Gallway, Fell by the Sheriffs not Acting, is certain: The said Sheriffs entred on their Office at Michaelmas, 1714, and continued to act for one Year, and until the last Day of Hillary-Term after, and no longer.*

ger. It is absolutely Deny'd, they so discontinued to act by the Advice of Mr. *Staunton*, or any of his Friends. On the contrary he gave his Opinion and Advice they should act, and ought to be punished if they did not : And such his Opinion he Declared publicly to the Judges at the said Assizes. But, the Sheriffs apprehending, that had they acted after the Last Day of *Hillary-Term*, they wou'd Incurr the penalty of the Statute of King *Hen. Vith.* The Sheriffs of the City of *Dublin*, for the Year ending Michaelmas, 1713. having Refused to act after the Last Day of *Hillary-Term* following : And being Applauded for so doing. It is Deny'd the present Mayor, last Assizes, treated the King's Commission with Insolence, or Behaved, as by the Petition is alledged ; for the Judge was, (by the Sheriffs and a great Number of Inhabitants) Received at the Bounds of the County ; and Mr. *Cotes*, as MAYOR of the said Town, according to custom, with the Aldermen of the Town, in their Formalities, with the King's Sword and Mace, went to the Tholsel Door of the said Town, to Receive Mr. Justice *Caulfield*, as Judge of Assize ; who stop'd at the said Door, but Drove on without taking any Notice of the said Mayor or Corporation. That the said Judge coming afterwards to the said Tholsel, the Mayor Received him with great Respect ; but his Lordship Ascended the Bench without taking any Notice of the said Mayor. The Mayor went on the Bench ; and happening to Discourse the Judge while the Commission was Reading, did not Apprehend whether he was in Commission or not : WHEREFORE, and in regard it was the CONSTANT USAGE to Deliver the COMMISSION to the Mayor, when READ, he desired the Clerk of the Crown to give it to him. The Clerk delivered the COMMISSION to the Judge : The Mayor pray'd the Favour of the Judge to let him see the COMMISSION ; who Answered, NO, and put the same in his Pocket. The Mayor, from such unusual Treatment, Doubting of his being in Commission, told his Lordship, *That if he could not see by what Authority he SAT, he would withdraw* : To which his Lordship making no Answer, the Mayor withdrew. Not out of any Disrespect to the COMMISSION, but, Believing himself not Impowered to SIT as Judge. The Mayor did not believe the Assize could thereby fall, for the Judge continued to Sit,  
called



Call'd the County, Swore the Grand-Jury, prefix'd them to the County-Court, to hear their *Charge*; where he accordingly gave it Them; and Adjourn'd to *Tuesday* following. And his Lordship (as the Mayor was Inform'd) Declared he had a General COMMISSION, and would act Independent of the Mayor. But a *Tuesday*, the Mayor being told, *The Judge would not act*; he sent, to let his Lordship know, *He would, if his Lordship pleased, Joyn to do the publick Business*: But, the Judge did not agree thereto. The Mayor gave the Government an Account of the said Proceeding; and the said Matter was partly Examined, and another Day is Appointed for further Hearing thereof, which is now Depending before the Lord-Lieutenant and Privy-Council.

*Petition.] That by means of the said Confederates, and the great Discouragements Protestants have met with in the said Town, there are so Few Protestants Freeholders therein, that no Papist can be Tryed for Offences committed against any of the Statutes, made for securing the Protestant Interest of this Kingdom, within the said County of the Town of Gallway; as it has happened Remarkably in the Case of James French, a Popish Regular, who by that means hath avoided his Tryal for Four or Five Years past.*

*Answer.] It is admitted, That there are but few Protestant Free-holders in the County of the Town of Gallway. The present Magistrates are no way the Occasion thereof; for they would Encourage Protestant Freeholders to come and Reside there; but the Petitioners by their pretended By-Laws, would Debarr any person of any Employment in the said Town, tho' Residing there, unless they had been so Resident, compleatly two Years.*

*Petition.] That by these and many other Grievances of the like Nature, the Original Constitution of the said Garrison, Town, and Corporation, is Defeated; the Charter Eluded, the several Acts to prevent the further Growth of Popery, and Bannishing Regulars, and Suppressing Nunneries, rendred ineffectual in that place; the Protestant Inhabitants brought under great Difficulties and Dangers, and the great Numbers of Disaffected Papists Protected and Encouraged; the Freedom of the Election for Members of Parliament much Endangered, and Your Petitioners are Distressed in such Manner as they have no prospect of Redress, but in a Parliamentary Way.*

*Answer.] That the Constitution of the said Garrison-Town hath any way suffered; the Protestant Inhabitants brought under any Difficulties, or the Revenue of the said Corporation any way Misapply'd, since Mr. Staunton became Recorder, is most Untrue: For, considering the many Law Suits and Difficulties the said Corporation hath been under, particularly a Suit in *quo Warranto*, about Admiralty Jurisdiction, Depending upwards of Thirteen*  
E.
Years;

Years; a Suit prosecuted for Eleven Years past by the Executors of Colonel *Theodore Russel* for a Demand of Upwards of Four thousand pounds, whereon there were several Hearings in the Exchequer. Two Informations in the King's Bench, now Depending; one for not Chosing a Recorder, tho' by express Clause in the Charter, the Recorder is to Hold Over until another be Elected; the other for not Chosing a Mayor from the Ninth of *February*, 1715. to the Thirty-first of *March* following; tho' from *Michaelmas*, 1715. to the said Thirty-first of *March*, Nine several Mayors were Elected; several Fines were Imposed in the Exchequer for not Returning. That Sheriffs were Sworn for the Year commencing *Michaelmas*, 1716. tho' from *August*, 1716. to *July* last, Eighteen Sheriffs were Elected and Presented; but none Approved of. And there were several other Law Suits for and against the said Corporation, on Account of all which, the Corporation hath not yet expended but about 300*l.* including 90 *l.* and other Sums, which were Ordered for the Expence of several Elections, and Eleven Years Salary paid to the Corporation's Agent. That the present Mayor was very Industrious and Active in prevailing on the popish Inhabitants of the said Town to Quarter his Majesty's Forces for upwards of Fifteen Months longer than by Law they were obliged: And to shew good Example, the said Mayor and Recorder, and one of the Sheriffs, Contributed much more than any others to the said Quarterage. And the said Mayor, when a *Jacobite* Master of a Ship, Hung out Colours on the Pretenders Birth-Day, Committed him to Goal; and the Government being Informed thereof, by their Secretaries Letters, (ready to be produc'd) signify'd their Satisfaction in Mr. *Cotes's* Conduct therein, and in Quartering his Majesty's Army. The said Mayor and Recorder are ready to shew, They, on all the Elections before-mentioned, Voted with the Majority of the Town-Inhabitants; and that at this Time there are more Protestant Inhabitants in the said Town, than at any time heretofore.

*The Mayor and Recorder, Humbly Hope, They will be Deemed rather Fair and Honest Assertors of the Rights and Privileges of the said Corporation, than any way Guilty of Defeating the Original Constitution thereof.*

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FINIS.